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10/643,104	08/18/2003	Steven Farrell Eskenazi	4318P2688	3352

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WEISS & MOY PC
4204 NORTH BROWN AVENUE
SCOTTSDALE, AZ 85251

EXAMINER	
LEE, BENJAMIN WILLIAM	
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3714	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/643,104	ESKENAZI, STEVEN FARRELL	
	Examiner	Art Unit	
	Benjamin W. Lee	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *08/18/2003*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: "an" in page 9, line 19 should be changed to --a--. Appropriate correction is required.

Claim Objections

2. Claims 1, 9, 17, 19, and 20 objected to because of the following informalities.

Claim 1, line 18; claim 9, line 19; and claim 17, line 17: "generate" should be changed to --generated-- .

Claim 19, line 1; claim 20, line 1: "computer program product system" should be changed to --computer system-- to be consistent with the language of claim 9.

Appropriate correction is required.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 1-20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Re claim 1: The claim is directed toward a method, which falls under the four statutory categories of invention (i.e., process, machine, manufacture, and composition of matter). However, the process disclosed includes the judicial exception of an abstract idea (method for providing career guidance information). No physical transformation is present to establish a practical application of the abstract idea. Furthermore, the claimed process does not produce a useful, concrete, and tangible result. "Loading content" is useful and concrete, but not tangible. Loading the electronic content into the learning appliance may occur entirely in the computer system without the user's knowledge of its occurrence. Therefore, the claim is directed toward non-statutory subject matter.

Re claims 2-8: The claims are dependent on claim 1 and do not disclose any further method steps that result in a useful, concrete, and tangible result. Therefore, the claims are directed toward non-statutory subject matter.

Re claim 9: The claim is directed toward a system, which falls under the four statutory categories of invention (i.e., process, machine, manufacture, and composition of matter). However, the system disclosed includes the judicial exception of an abstract idea (program instructions for providing career guidance information). No physical transformation is present to establish a practical application of the abstract idea. Furthermore, the system disclosed, in operation, does not produce a useful, concrete, and tangible result. "Loading content" is useful and concrete, but not tangible. Loading the electronic content into the learning appliance may

occur entirely in the computer system without the user's knowledge of its occurrence. Therefore, the claim is directed toward non-statutory subject matter.

Re claims 10-16, 19, and 20: The claims are dependent on claim 9 and do not disclose any further limitations that cause the system, in operation, to produce a useful, concrete, and tangible result. Therefore, the claims are directed toward non-statutory subject matter.

Re claim 17: There are two separate issues for the rejection of claim 17 under 35 U.S.C. 101.

The first issue is explained in the rejections of claims 1 and 9 since claim 17 includes similar limitations. The computer program product does not produce a useful, concrete, and tangible result.

The second issue is that the claim is directed toward a "signal bearing media containing program instructions." A computer program, *per se*, is not statutory since it does not fall under the four statutory categories of invention. However, a computer program claimed as part of a computer-readable medium is statutory if the relationship of the computer program to the computer-readable medium allows the functionality of the computer program to be realized. The computer-readable medium must strictly be a tangible, physical article and cannot be a signal or form of energy. A signal encoded with a computer program is not statutory since it does not fall within any of the four statutory categories of invention. There is no clear indication that "signal bearing media", as recited in claim 17, is limited to tangible, physical computer-readable media. Therefore, the claim is directed toward non-statutory subject matter.

Re claim 18: The claim is dependent on claim 17 and thus inherits the deficiency of being directed toward a "signal bearing media containing program instructions" as discussed above. Further, the claim does not disclose any further limitations that cause the computer program product to produce a useful, concrete, and tangible result. Therefore, the claim is directed toward non-statutory subject matter.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-3, 5-11, and 13-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Thomsen (US 2004/0236598 A1).

Re claim 1: Thomsen discloses a method for providing career guidance information, comprising:

generating a user interface screen containing job categories from which a user may select a sub-menu containing careers within the job categories (see Figs. 35-39F; ¶ [0155] - ¶ [0157]);

responsive to selection of one of the careers, generating a second user interface having a display area containing a description of the career (see Fig. 52; ¶ [0171]) and further providing a menu/tabs for selection of further information options for the career including a day-in-the-life video, career statistics and further career information (see Figs. 47A-47D, 52, and 53; ¶ [0166]; ¶ [0171] - ¶ [0172]); and

responsive to selection of one of the further information options, loading content for the option from one or more of a server on the Internet or a local storage (see "video streaming" in ¶ [0172]; ¶ [0091]), and wherein the second user interface is generated to provide the further information options in conjunction with the loaded content (see Figs. 47A-D, 52, and 53), whereby differences between Internet-loaded content and local storage-loaded content are minimized (see ¶ [0091]).

Re claim 9: Thomsen discloses a computer system comprising a memory 340 for storing program instructions and data; a processor/CPU 342 for executing said program instructions (see Fig. 3); a media storage 354/346 for storing career information (see Fig. 3) and an Internet connection providing access to Internet content (see Fig. 2), and wherein the program instructions comprise program instructions to perform the method of claim 1 as discussed above.

Re claim 17: Thomsen discloses a computer program product comprising signal bearing media 340/354/346 (see Fig. 3) containing program instructions for execution with a general purpose computer system and data stored as local content files (see ¶ [0091], the program

instructions comprising program instructions for performing the method of claim 1 as discussed above.

Re claims 2, 3, 10, 11, and 18: The teachings of Thomsen as applied to claims 1, 9, and 17 above have been discussed. Thomsen further discloses the further information options include an option for selecting activation of a conversational helper for providing career information interactivity, and further comprising operating the conversational helper, whereby the conversational helper interacts with the user within a text interface. The filter function interacts with the user within a text interface and provides career information interactivity (i.e., helps the user find information about specific careers) (see Fig. 51; ¶ [0170]).

Re claims 5 and 13: The teachings of Thomsen as applied to claims 1 and 9 above have been discussed. Thomsen further discloses in response to activation of the further information option associated with the day-in-the-life video, loading the information option via a video player system component (see Fig. 53; ¶ [0172]). The examiner notes that the limitation, "loading said information option via a video player system component" is interpreted to mean only loading the day-in-the-life video in the video player (in response to selection), and excludes loading other information options (i.e., career statistics and further career information) in the video player.

Re claims 6 and 14: The teachings of Thomsen as applied to claims 1 and 9 above have been discussed. Thomsen further discloses wherein the first user interface and the second user

interface are both provided within an Internet browser window (see ref. 104 in Fig. 1; Figs. 39-39F, 46, and 52; ¶ [0165]).

Re claims 7, 8, 15 and 16: The teachings of Thomsen as applied to claims 1 and 9 above have been discussed. Thomsen further discloses the first user interface, the second user interface, and the content are all provided by either the server or local files (see ¶ [0091]).

Re claims 19 and 20: The teachings of Thomsen as applied to claim 9 above have been discussed. Thomsen further discloses the program instructions for generating the first user interface and the second user interface are both provided as web page instructions for an Internet browser (see ref. 104 in Fig. 1; Figs. 39-39F, 46, and 52; ¶ [0165]), wherein the first user interface and the second user interface are generated from the web page instructions/web page instructions stored within the local content files (see ¶ [0091]).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claims 4 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomsen in view of Fatseas et al. (US 5,671,409, hereinafter Fatseas).

The teachings of Thomsen as applied to claims 2 and 10 above have been discussed.

However, Thomsen does not disclose the conversational helper interacts with the user via a voice interface.

Fatseas teaches a computer-aided interactive career search system. The system asks users questions to help make appropriate career suggestions to the user. The system provides digitized audio voice-overs corresponding to the questions provided in multiple languages. The questioning directly interacts with the user.

Therefore, in view of Fatseas, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add the digitized audio voice-overs and questions of Fatseas to the system and method of Thomsen in order to provide filtered career results customized to the user's background.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Chriest et al. discloses a method and system for processing career development information. Ho et al. discloses computer-aided learning and counseling methods and apparatus for a job. Farenden discloses a web site for recruiting candidates for employment.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin W. Lee whose telephone number is 571-270-1346. The examiner can normally be reached on Mon - Fri (8:30AM-5:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Benjamin W. Lee
May 16, 2007

Kathleen Mosser
Primary Examiner
Art Unit 3714